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Practitioner's Docket No. <u>U 014701-4</u>

PATENT

DEC 2 1 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Resent Number:

US 7,129,068 B2

ssued:

October 31, 2006

Name of Patentee:

Manobjyoti BORDOLOI, et al.

Title of Invention:

PROCESS FOR THE ISOLATION OF POLYHYDROXBUTYRATE FROM

BACILLUS MYCOIDES RLJ B-017

Certificate of Correction Branch Director of the United States Patent and Trademark Office P. O. Box 1450 Alexandria, VA 22313-1450

ATTENTION: Certificate of Correction Branch of the Office of Patent Publication



REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT FOR PTO MISTAKE (37 C.F.R. §1.322(a))

NOTE: "If such a request for correction was incurred through the fault of the United States Patent and Trademark Office (Office), and is clearly disclosed in the records of the Office, and is accompanied by documentation that unequivocally supports the patentee's assertion(s), a Certificate of Correction will be expeditiously issued. Such supporting documentation can consist of relevant photocopied receipts, manuscript pages, correspondence dated and received by the Office, photocopies of Examiners' responses regarding entry of amendments, or any other validation that supports the patentee's request so that the request can be processed without the patent file." Notice of September 17, 2002, 1262 OG 96.

1. Attached is Form PTO—1050 (PTO/SB/44) suitable for printing.

NOTE: Form PTO-1050 (or PTO/SB/44), using the column and line number in the printed patent, should be used exclusively regardless of the length or complexity of the subject matter. M.P.E.P. § 1485,

7**"** ed.

NOTE: The patent grant should be retained by the patentee. The PTO does not attach the Certificate of Correction to the patentee's copy of the patent. The patent grant will be returned to the patentee if submitted. M.P.E.P. § 1485, 8th ed.

2. The exact page and line number where the errors are shown correctly in the application file are:

NOTE: The exact page and line number where the errors occur in the application file should be identified on the request. However, on form PTO/SB/44, only the column and line number in the printed patent should be used. M.P.E.P. § 1480, 8th Edition.

Filing Receipt of May 19, 2004, and ADDED PAGES FOR APPLICATION TRANSMITTAL of July 3, 2003 (copies attached).

Date: December 18, 2006

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| 3. | Please send the Certificate to: | |
|-------------------------|--|--|
| | Name: William R. Evans | |
| | Address: c/o Ladas & Parry LLP 26 West 61st Street New York, NY 10023 | |
| | (comple | te, if applicable) |
| | | Signature(s) of patentee(s) |
| | | or All |
| INDUS | CIL OF SCIENTIFIC AND STRIAL RESEARCH orint name of assignee) | Signature of assignee or person authorized to sign on behalf of assignee |
| ⊠ Septem | Assignment recorded on uber 28, 2001 | William R. Evans, 25858, (212) 708-1930 (type or print name of authorized person signing) |
| Reel <u>01</u> Frame | | attorney of record who acts on behalf of assignee Title of authorized person signing |
| | Recordal of assignment attached | |
| | Attached is a "STATEMENT" assignee to take action in this control of the state of t | UNDER 37 CFR 3.73(b)," establishing the right of the case. |
| NOTE: | | 54, may be issued at the request of the patentee or [the patentee's] e of correction can be signed by the attorney of record who acts on |

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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. :

US 7,129,068 B2

DATED

October 31, 2006

INVENTOR(S):

Manobjyoti BORDOLOI, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On title page, insert -- Related U.S. Application Priority Data (62) Continuation of application No. 09/820,188, filed March 28, 2001, now abandoned --

Col. 1, line 4, insert — This application is a continuation of copending application number 09/820,188 filed on March 28, 2001, claims the benefit thereof and incorporates the same by reference. —

MAILING ADDRESS OF SENDER:

PATENT NO. <u>US 129,068 B2</u>

No. of additional copies

 \rightarrow

William R. Evans c/o Ladas & Parry LLP 26 West 61st Street New York, N.Y. 10023 Reg. No. 28858 Tel. No. (212) 708-1930

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Office, Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. 1450 Alexandra, Viginia 22313-1450 www.uspib.gov

FILING OR 371 APPL NO. ART UNIT FIL FEE REC'D ATTY.DOCKET NO (c) DATE DRAWINGS TOT CLMS IND CLMS 10/613.532 07/03/2003 1632 900 U 014701-4 10

00140 LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023

CONFIRMATION NO. 4539 UPDATED FILING RECEIPT *OC000000012703327*

Date Mailed: 05/19/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Manobjyoti Bordoloi, Jorhal, INDIA: Bornali Borah, Jorhal, INDIA; Purbali S. Thakur, Jorhal, INDIA: Jagdish Narayan Nigam, Jorhal, INDIA:

Assignment For Published Patent Application

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH:

Domestic Priority data as claimed by applicant

This application is a CON of 09/820,188 03/28/2001 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 09/30/2003

Projected Publication Date: 08/26/2004

Non-Publication Request: No

Early Publication Request: No

Title

Preliminary Class

435

LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED

NOTE: See 37 CFR 1.78.

17. Relate Back

WARNING: If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. 120, 121 or 365(c). (35 U.S.C. 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claimby-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

(complete the following, if applicable)

[x] Amend the specification by inserting, before the first line, the following paragraph:

A. 35 U.S.C. 119(e)

NOTE: 37 C.F.R. § 1.78(a)(4) and (5):

(4) A nonprovisional application, other than for a design patent, or an international application designating the United States of America may claim an invention disclosed in one or more prior-filed provisional applications. In order for an application to claim the benefit of one or more prior-filed provisional applications, each prior-filed provisional application must name as an inventor at least one inventor named in the later-filed application and disclose the named inventor's invention claimed in at least one claim of the later filed application in the manner provided by the first paragraph of 35 U.S.C. 112. In addition, each prior-filed provisional application must be entitled to a filing date as set forth in § 1.53(c), and the basic filing fee set forth in § 1.16(k) must be paid within the time period set forth in § 1.53(g).

"(5)(i) Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed provisional applications must contain or be amended to contain a reference to each such prior-filed provisional application, identifying it by the provisional application number (consisting of series code and serial number).

(ii) This reference must be submitted during the pendency of the later-filed application. If the later-filed application is an application filed under 35 U.S.C. 111(a), this reference must also be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed provisional application. IF the later-filed application is a nonprovisional application which entered the national stage from an international application after compliance with 35 U.S.C. 371, this reference must also be submitted within the later of four months from the date on which the national state commenced under 35 U.S.C. 371(b) or (f) in the later-filed international application or sixteen months from the filing date of the prior-filed provisional application. These time periods are not extendable. Except as provided in paragraph (a)(6) of this section, the failure to timely submit the reference is considered a waiver of any benefit under 35 U.S.C. 119(e) to such prior-filed provisional application. The time periods in this paragraph do not apply if the later-filed application is:

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- (A) An application filed under 35 U.S.C. 111(a) before November 29,, 2000; or
- (B) A nonprovisional application which entered the national stage after compliance with 35 U.S.C. 371 from an international application filed under 35 U.S.C. 363 before November 29, 2000.
- (iii) If the later-filed application is a nonprovisional application, the reference required by this paragraph must be included in an application data sheet (§ 1.76), or the specification must contain or be amended to contain such reference in the first sentence following the title."

| APPLICA | ATION NO(S).: | FILING DATE | |
|------------|---|---|--|
| /_ | | | |
| | | * | |
| and incorp | orates the same by reference." | | |
| WARNING: | and an English-language translation of the prior-filed pro translation is accurate were not previously filed in the prior nonprovisional application, applicant will be notified and give language translation of the non-English-language prior-filed translation is accurate. In a pending nonprovisional applicatio in abandonment of the application." | ovisional application and a statement that the r-filed provisional application or the later-filed in a period of time within which to file an English-provisional application and a statement that the infailure to timely reply to such a notice will result | |
| | Language of Prior Filed Provisiona | l Application | |
| | (Supply information for <u>each</u> provisional the benefit | it of which is being claimed) | |
| The above | identified prior filed provisional application whose | benefit is being claimed | |
| [] wa | as filed in the English language, | | |
| | as filed in a language other than English and an Engl at the translation is accurate was filed in the provision | | |
| | as filed in language other than English and an Englis at the translation is accurate is filed herewith. | h translation along with a statement | |
| | | | |

B. 35 U.S.C. 120, 121 and 365(c)

WARNING: The applicable provisions for the time and manner of claiming the benefit of a prior U. S. application filing date are set forth in 37 C.F.R. § 1.78(a)(1) and (2) as follows:

"(a)(1) A nonprovisional application or international application designating the United States of America may claim an invention disclosed in one or more prior-filed copending nonprovisional applications or international applications designating the United States of America. In order for an application to claim the benefit of a prior-filed copending nonprovisional application or international application designating the United States of America, each prior-filed application must name as an inventor at least one inventor named in the later-filed application and disclose the named inventor's invention claimed in at least one claim of the later-filed application in the manner provided by the first paragraph of 35 U.S.C. 112. In addition, each prior-filed application must be:

(i) An international application entitled to a filing date in accordance with PCT Article 11 and designating

(Added Pages for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed—page 2 of 8) 4-1.4

- (ii) Complete as set forth in § 1.51(b); or
- (iii) Entitled to a filing date asset forth in § 1.53(b) or § 1.53(d) and include the basic filing fee set forth in § 1.16; or
- (iv) Entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(l) within the time period set forth in § 1.53(f).
- (2)(i) Except for a continued prosecution application filed under § 1.53(d), any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending nonprovisional applications or international applications designating the United States of America must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (see § 1.14).
 - (ii) This reference must be submitted during the pendency of the later-fled application. If the later-filed application is an application filed under 35 U.S.C.. 111(a), this reference must also be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed application. If the later-filed application is a nonprovisional application which entered the national stage form an international application after compliance with 35 U.S.C. 371, this reference must also be submitted within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) in the later-filed international application or sixteen months from the filing date of the prior-filed application. These time periods are not extendable. Except as provided in paragraph (a)(3) of this section, the failure to timely submit the reference required by 35 U.S.C. 120 and paragraph (a)(2)(i) of this section is considered a waiver of any benefit under 35 U.S.C. 120, 121, or 365(c) to such prior-filed application. The time periods in this paragraph do not apply of the later-filed application is
 - (A) An application for a design patent;
 - (B) An application filed under 35 U.S.C. 111(a) before November 29, 2000; or
 - (C) A nonprovisional application which entered the national stage after compliance with 35 U.S.C. 371 from an international application filed under 35 U.S.C. 363 before November 29, 2000.
 - (iii) If the later-filed application is a nonprovisional application, the reference required by this paragraph must be included in an application data sheet (§ 1.76), or the specification must contain or be amended to contain such reference in the first sentence following the title.
 - (iv) The request for a continued prosecution application under § 1.53(d) is the specific reference required by 35 U.S.C. 120 to the prior-filed application. The identification of an application by application number under this section is the identification of every application assigned that application number necessary for a specific reference required by 35 U.S.C. 120 to every such application assigned that application number."

| [x] "This application is a | |
|--|---------------|
| [x] continuation | |
| [] continuation-in-part | |
| [] divisional | |
| of copending | |
| [x] application number 09/820,188 filed on March 28, 2001, | JAN - 8 2007. |

| | International Application | , filed on, wh | ich designated |
|--------------------------------|--|--|--|
| | the U.S., | | |
| | claims the benefit thereof and incorporates the | ne same by reference." | |
| NOTE: | The proper reference to a prior filed PCT application that entered the U.S. national phase is the U.S. serial number and the filing date of the PCT application that designated the U.S. | | |
| NOTE: | (1) Where the application being transmitted adds subjecan be as a continuation-in-part or (2) if it is desired to continuation. | ct matter to the International Applicatio o do so for other reasons then the filing c | n, then the filing can be as a |
| [] | "The nonprovisional application designated | above, namely application , filed | , claims |
| | the benefit of U.S. Provisional Application(s |) No(s).: | · |
| A DDI | ICATION NO(C) | FILING DA | ть |
| APPL | ICATION NO(S).: | FILING DA | T.E. |
| | / | | |
| and in | corporates the same by reference" | * | |
| and m | corporates the same by reference | | |
| C. Pu | ublication of International Application-Prov | isional Application | |
| NOTE: | 35 U.S.C. 154 Contents and term of patent; provisional | l rights | |
| | (d)(4) REQUIREMENTS FOR INTERNATION | 'AL APPLICATIONS- | |
| commen internat English, | (A) EFFECTIVE DATE—The right under paragition under the treaty defined in section 351(a) of an inuce on the date on which the Patent and Trademark Officional application, or, if the publication under the treaty, on the date on which the Patent and Trademark Office language. | ernational application designating the ce receives a copy of the publication und of the international application is in a lo | United States shall der the treaty of the anguage other than |
| The in | ternational application corresponding to the in | stant application | |
| |] was] was not | | |
| publis | hed under PCT Article 21(2) in the English lan | guage. | |
| [] | An English translation of the internation | al application is attached. | |
| | | | |

18. Relate Back-35 U.S.C. 119 Priority Claim for Prior Application

NOTE: 37 C.F.R. § 1.55 Claim for foreign priority.

"(a) An applicant in a nonprovisional application may claim the benefit of the filing date of one or more prior foreign applications under the conditions specified in 35 U.S.C. 119(a) through (d) and (f)(, 172, and 365(a) and (b).

- (1)(i) In an original application filed under 35 U.S.C. 111(a), the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application, this time period is not extendable. The claim must identify the foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by specifying the application number, country (or intellectual property authority), day, month, and year of its filing. The time period in this paragraph does not apply to an application for a design patent.
 - (ii) In an application that entered the national stage from an international application after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and the Regulations under the PCT."
- (2) The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. 119(b) or PCT Rule 17 must, in any event, be filed before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by the processing fee set forth in § 1.17(i), but the patent will not include the priority claim unless corrected by a certificate of correction under 35 U.S.C. 255 and § 1.323.

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 17B, in turn itself claim(s) foreign priority(ies) as follows:

| Country | Appln. no. | Filed |
|---|---------------|---------------------------|
| Country | Appln. no. | Filed |
| The certified copy(ie | s) has (have) | |
| [] been filed on, which v | vas filed on | nal (not PCT) application |
| [] is (are) attached. [] will follow. | | |

WARNING: The certified copy of the priority application that may have been communicated to the PTO by the International Bureau may not be relied on without any need to file a certified copy of the priority application in the continuing application. This is so because the certified copy of the priority application communicated by the International Bureau is placed in a folder and is not assigned a U.S. serial number unless the national stage is entered. Such folders are disposed of if the national stage is not entered. Therefore, such certified copies may not be available if needed later in the prosecution of a continuing application. An alternative would be to physically remove the priority documents from the folders and transfer them to the continuing application. The resources required to request transfer, retrieve the folders, make suitable record notations, transfer the certified copies, enter and make a record of such copies in the Continuing Application are substantial. Accordingly, the priority documents in folders of international applications that have not entered the national stage may not be relied on. Notice of April 28, 1987 (1079 O.G. 32 to 46).

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NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27). A. [x] Extension of time in prior application [] A petition and fee extends the term in the pending prior application until [x] A copy of the petition filed in prior application is attached. B. [] Conditional Petition for Extension of Time in Prior Application [] A copy of the conditional petition filed in the pending prior application. [] A copy of the conditional petition filed in the prior application is attached.

19. Maintenance of Copendency of Prior Application

C. [] No extension is necessary in Prior Application

[] Issue Fee paid _

20. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

(complete applicable item (a), (b) and/or (c) below)

| (a) [] This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are |
|--|
| [] the same. |
| [] less than those named in the prior application. It is requested that the following inventor(s) identified for the prior application be deleted: |
| (type name(s) of inventor(s) to be deleted) |
| (b) [] This application discloses and claims additional disclosure and a new declaration or oath is being filed. With respect to the prior application, the inventor(s) in this application are |
| [] the same. |
| [] the following additional inventor(s) have been added: |
| (type name(s) of inventor(s) to be added) |
| (c) [] The inventorship for all the claims in this application are |
| [] the same. |
| [] not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made |
| [] is submitted. [] will be submitted. |
| 21. Abandonment of Prior Application (if applicable) |
| [] Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application. |
| NOTE: According to the Notice of May 13, 1983 (103, TMOG 6-7), the filing of a continuation or continuation-in-part application is a proper response with respect to a petition for extension of time or a petition to revive and should include the express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. |

22. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

"The claims of a new application may be finally rejected in the first Office action in those situations where (1) the new application is a continuing application of, or a substitute for, an earlier application, and (2) all the claims of the new application (a) are drawn to the same invention claimed in the earlier application, and (b) would have been properly finally rejected on the grounds of art of record in the next Office action if they had been entered in the earlier application." MPEP, § 706.07(b). Where it is possible that the claims on file will give rise to a first action final for this continuation application and for some reason an amendment cannot be filed promptly (e.g., experimental data is being gathered) it may be desirable to file a petition for suspension of prosecution for the time necessary. (check the next item, if applicable) [] There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently) 23. NOTIFICATION IN PARENT APPLICATION OF THIS FILING [] A notification of the filing of this (check one of the following) [] continuation [] continuation-in-part

is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.

[] divisional